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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,591	08/01/2003	Jordi Moncada-Elias	FOUND-0067	4317
49680 7590 06/26/2007 FOUNDRY-THELEN REID BROWN RAYSMAN & STEINER LLP P.O. BOX 640640 SAN JOSE, CA 95164-0640			EXAMINER LEE, CHI HO A	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 06/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/632,591

Applicant(s)

MONCADA-ELIAS ET AL.

Examiner

Andrew Lee

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

ANDREW C. LEE  
PRIMARY PATENT EXAMINER

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 12/1/05.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 8, 10-13, 17, 19-22, 27-30, 35-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Duncan et al PG-PUB 2002/0154606.

Re Claims 1, 10, 19, 27, 35-39 fig. 4 teaches step 205 that determines which of the core devices are STP enable switches (first network with...loop avoidance protocol...& a second network not running the loop avoidance protocol); STP negotiation exchanges STP messages on the ports (sending...receiving a first/second loop packet...on first/second port); [0043, 0044]; whereby during a STP negotiation, the two ports directly connected having a designated port ID (first/second identifiers) are compared and matched (comparing the second...first references) [0057]; wherein the STP detects the loop in based on the STP exchange.

Re Claims 2-4, 11-13, 20-22, 28-30, 40-43, refer to Claim 1, if the designated port ID matches, the port ID is blocked to prevent looping, wherein the ports are negotiated to be in forwarding or blocking state.

Re Claims 8, 17, refer to Claim 1, wherein the identified nodes support STP (running Spanning tree protocol).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6, 9, 14-15, 18, 23-24, 26, 31-32, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan et al PG-PUB 2002/0154606 in view of Mahajan et al U.S. Patent Number 6,628,624.

Re Claims 5, 14, 23, 31, Duncan et al fails to explicitly teach, "when the second reference....not match...opening the at least one of the ports which was blocked". However, Mahajan teaches in fig. 5, steps 520, 522, whereby if the BPDU information does not match, the port state is modified, i.e., transition to forwarding state (opening...blocked). One skilled in the art would have been motivated to Mahajan to open at least one blocked port to mitigate for port failure. Therefore, it would have been obvious to one ordinary skilled to combine the references.

Re Claims 6, 15, 24, 32 refer to Claim 5, wherein once the transition is completed, the updated BPDU is advertised to neighboring bridges (another bridge).

Re Claims 9, 18, 26, 34, refer to Claim 5, supports VLAN application.

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5. Claims 7, 16, 25, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan et al PG-PUB 2002/0154606

Re Claims 7, 16, 25, 33, Duncan teaches the Bride ID (first and second reference) and Port ID (third and fourth references) whereby a comparison is made. Duncan fails to explicitly teach, "dropping the second loop packet" is the "third and fourth references does not match". One skilled in the art would have been motivated to drop the un-match message because the STP cannot be negotiated with the respective message packet.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ANDREW C. LEE  
PRIMARY PATENT EXAMINER

A handwritten signature in black ink, appearing to be 'A' followed by a stylized flourish.